

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

ARTHUR T. WATSON.)	
)	
Plaintiff,)	
)	
v.)	CV-2007-520-WHA
)	
ALABAMA FARMERS CO- OPERATIVE, INC., D/B/A BONNNIE PLANT FARMS,)	
)	
Defendant.)	

ANSWER

COMES NOW defendant, Alabama Farmers Cooperative (“AFC”) and for its answer to the Complaint filed against it in the above-styled action, states as follows:

FIRST DEFENSE

For its first defense, AFC responds to the numbered paragraphs of plaintiff’s Complaint as follows:

1. In response to paragraph 1, AFC admits that this Court has subject matter jurisdiction over this case. To the extent that the remaining allegations of paragraph 1 require response, they are denied.

2. AFC denies the allegations of paragraph 2 of the Complaint. Specifically, AFC denies that it discriminated against the plaintiff; that the plaintiff timely filed his EEOC charge; and that the plaintiff timely instituted this action.

3. AFC admits that it employed, and still employs, the plaintiff, but denies that plaintiff was employed in Bullock County, Alabama at all times relevant to this lawsuit. AFC admits the remaining allegations of paragraph 3.

4. AFC admits that it is the employer of the plaintiff and is subject to suit under 29 U.S.C. § 621, *et seq.*, but denies that it has violated that statute. AFC admits that it employs in excess of 500 people, that it is qualified to do business in the State of Alabama, and that it wholesales plants in numerous states. AFC denies the remaining allegations of paragraph 4.

5. In response to paragraph 5, AFC adopts and incorporates by reference its responses to paragraph 1 through 4 above.

6. AFC admits plaintiff was employed as a route salesman, seasonally, for over fifteen (15) years. AFC denies the remaining allegations of paragraph 6.

7. In response to paragraph 7, AFC denies that plaintiff developed his territory in Bells, Tennessee into a lucrative route. AFC admits the remaining allegations of paragraph 7.

8. Admitted.

9. In response to paragraph 9, AFC denies that "Tate" was the plaintiff's supervisor, denies that it discriminated against the plaintiff because of his age, or retaliated against him for making a claim of age discrimination, denies that he was "transferred" to Louisiana, and denies that he sincerely believes he was discriminated or retaliated against. AFC admits the remaining allegations of paragraph 9.

10. Denied.

11. AFC admits that the plaintiff was reassigned to a route in Jasper, Alabama. AFC denies the remaining allegations of paragraph 11.

12. AFC admits that plaintiff is 62 years old. AFC denies the remaining allegations of paragraph 12 of the Complaint.

13. AFC denies the allegations of paragraph 13 of the Complaint, and further denies that plaintiff is entitled to any of the relief sought in his prayer for relief.

SECOND DEFENSE

The Complaint, and each count thereof, fails to state a claim upon which relief can be granted.

THIRD DEFENSE

The Complaint, and each count thereof, is barred by applicable statutes of limitation or laches.

FOURTH DEFENSE

Some or all of the plaintiff's claims are barred because they are outside the scope of his charge of discrimination.

FOURTH DEFENSE

Some or all of the plaintiff's claims are barred because he failed to make them the subject of a timely filed EEOC charge.

FIFTH DEFENSE

Plaintiff's claims are barred because he failed to institute this action within ninety (90) days of receipt of his right-to-sue letter.

SIXTH DEFENSE

Plaintiff's claims are barred in whole or in part by the doctrines of estoppel, equitable estoppel, and judicial estoppel.

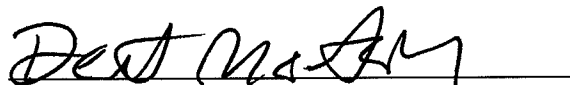
SEVENTH DEFENSE

All actions of which plaintiff complains are based on reasonable factors other than age.

EIGHTH DEFENSE

Some or all of plaintiff's claims are barred because they are not like or related to the claims raised in his EEOC charge.

Respectfully submitted,



Dent M. Morton, (MORTD6431)
Bryance Metheny (METHK8183)
Attorneys for Alabama Farmers
Cooperative, Inc.

OF COUNSEL:

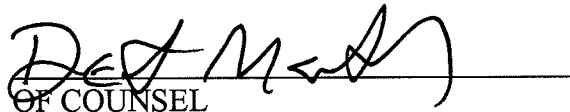
BURR & FORMAN LLP

3400 Wachovia Tower
420 North 20th Street
Birmingham, AL 35203
Tele: (205) 251-3000
Fax: (205) 458-5100

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Disclosure has been served upon the attorneys of record listed below, by the Court's electronic transmission, on this the 20th day of July 2007.

Albert Holman Adams, Jr., Eufaula, AL
Jerry Dean Roberson, Birmingham, AL


OF COUNSEL